

Chapter ATCP 15

HUMANE OFFICER TRAINING AND CERTIFICATION

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ATCP 15.01 Definitions. In this chapter:

- (1) "Department" means the Wisconsin department of agriculture, trade and consumer protection.
- (2) "Humane officer" means a person appointed under s. 173.03, Stats., to exercise powers or carry out duties identified under s. 173.07, Stats.
- (3) "Law enforcement officer" has the meaning given in s. 165.85 (2) (c), Stats.
- (4) "Political subdivision" has the meaning given in s. 173.01 (3), Stats.
- (5) "Veterinarian" means a person licensed under ch. 89, Stats.

History: Cr. Register, November, 1999, No. 527, eff. 12-1-99; correction in (5) made under s. 13.92 (4) (b) 7., Stats., Register October 2015 No. 718.

ATCP 15.02 Initial certification. (1) **CERTIFICATION REQUIRED.** No person may serve as a humane officer unless the department certifies that person within one year after the person is appointed.

Note: Subsection (1) does not require a law enforcement officer to be appointed or certified as a humane officer in order to enforce laws related to animals. But if a law enforcement officer or other person is appointed as a humane officer under s. 173.03, Stats., he or she must be certified as a humane officer.

(2) **CERTIFICATION STEPS.** A person who wishes to be certified as a humane officer shall do all the following:

- (a) Complete the initial training program under s. ATCP 15.06, if required.
- (b) Pass the examination required under s. ATCP 15.08.
- (c) Submit an application as provided in sub. (3).

(3) **APPLICATION FORM.** A person applying for certification under sub. (1) shall submit an application on a form provided by the department. The application shall include all the following:

- (a) The applicant's name, address and telephone number.
- (b) The identity of the applicant's employer if the applicant is currently employed as a humane officer.
- (c) The date on which the applicant passed the examination required under s. ATCP 15.08.
- (d) A nonrefundable fee of \$35. This fee will not be prorated for partial years.

Note: You may obtain a certification application form from the department at the following address:

Wisconsin Department of Agriculture, Trade and Consumer Protection, Animal Health Division, P. O. Box 8911, Madison, WI 53708-8911, Phone (608) 224-4872

(4) **ACTION ON CERTIFICATION APPLICATION.** The department shall grant or deny a certification application within 30 days after the department receives a complete application under sub. (3).

History: Cr. Register, November, 1999, No. 527, eff. 12-1-99; CR 11-048: am. (1), (3) (d) Register July 2012 No. 679, eff. 8-1-12.

ATCP 15.04 Continuing certification. (1) **CERTIFICATION EXPIRATION.** A humane officer's certification expires on December 31 of each odd-numbered year. A humane officer who fails to renew his or her certification may not continue to serve as a humane officer.

(2) **CERTIFICATION RENEWAL.** A humane officer may apply to renew his or her certification using a form provided by the department. A renewal application shall include all the following:

- (a) The applicant's name, address and telephone number.
- (b) The identity of the applicant's employer, if the applicant is currently employed as a humane officer.
- (c) A nonrefundable renewal fee of \$35. This fee will not be prorated for partial years.
- (d) Information showing that the applicant has satisfied the continuing education requirement under sub. (3). The application shall include the following information related to each continuing education program attended:
 1. The program title and sponsor.
 2. The program dates.
 3. The program instructors.
 4. The number of hours of instruction time attended.
 5. A program description provided by the program sponsor.

Alternatively, the applicant may describe the program and explain why it is relevant to his or her duties as a humane officer.

Note: You may obtain a renewal application form from the department at the following address:

Wisconsin Department of Agriculture, Trade and Consumer Protection, Animal Health Division, P. O. Box 8911, Madison, WI 53708-8911, Phone (608) 224-4872

(e) For a person who applies for the renewal of a certification after that certification has expired, in addition to all other fees required under this subsection, a late fee equal to 20% of those fees.

(3) **CONTINUING EDUCATION REQUIRED.** (a) A humane officer shall complete 32 hours of continuing education during each biennium for which the humane officer is certified. This requirement does not apply during the biennium for which the humane officer is initially certified.

(b) Continuing education programs need not be pre-approved by the department. The department may refuse to accept a continuing education program in fulfillment of the requirement under par. (a) if the department finds that the program is unrelated to humane officer duties.

(c) If the continuing education requirement is not fully completed during the certification biennium as required by par. (a), a certification may not be renewed until the continuing education requirement is met. Continuing education hours may only be applied to fulfill requirements for one certification renewal.

Note: For example, continuing education hours taken in 2014 to fulfill the requirement for 32 hours of continuing education to renew a certification for the 2014-2015 certification biennium may not be used as hours towards the 2016-2017 renewal requirement.

(4) **EXPIRED CERTIFICATIONS.** (a) An applicant may apply to renew a certification after it has expired if application for the renewal of certification is submitted within the biennium immediately following the certification's expiration. A certification that is expired for 2 years or longer may not be renewed.

Note: If an applicant's certification has been expired for at least 2 years, the applicant must complete the training and testing required under s. ATCP 15.02 to reapply.

(b) To renew an expired certification under par. (a) the applicant shall submit application for renewal under sub. (2).

(c) Thirty-two hours of continuing education are required to renew certification except if the previous biennium was the initial certification biennium. Certification may not be renewed until the continuing education requirement is met. Continuing education hours may only be applied to fulfill requirements for one certification renewal.

Note: For example, continuing education hours taken in 2014 to fulfill the requirement for 32 hours to renew a certification for the 2014–2015 certification biennium may not be used as hours towards the 2016–2017 renewal requirement.

(5) NOTIFICATIONS OF CHANGES. During the certification biennium, a certified humane officer shall notify the department of any change of name, address, or phone number within 30 days of that change.

History: Cr. Register, November, 1999, No. 527, eff. 12-1-99; CR 11-048: am. (2) (c), cr. (2) (e), (3) (c), (4), (5) Register July 2012 No. 679, eff. 8-1-12.

ATCP 15.06 Initial training. (1) TRAINING REQUIRED. Except as provided in sub. (2), a person shall complete an initial training program before taking the examination under s. ATCP 15.08.

(2) TRAINING EXEMPTIONS. Subsection (1) does not apply to any of the following persons, unless that person has previously failed an examination under s. ATCP 15.08:

- (a) A person employed as a humane officer in Wisconsin before December 1, 1999.
- (b) A veterinarian.
- (c) A person who has served as a humane officer in another state.

(3) TRAINING PROGRAM; GENERAL. The department shall sponsor the initial training program under sub. (1) or shall pre-approve that training program in accordance with sub. (6). The training program shall include animal husbandry and care training under sub. (4) and legal and investigative training under sub. (5). The department may charge a fee to cover the cost of a training program which it sponsors.

(4) ANIMAL HUSBANDRY AND CARE TRAINING. (a) An initial training program shall include at least 16 hours of animal husbandry and care training. This shall include all the following:

- 1. Training related to farm animals. A portion of the training shall be on-site practical training at a farm location.
- 2. Training related to domestic non-farm animals.
- 3. Training related to exotic animals, pet stores, animal collectors, or other relevant animal care issues.

(b) The training required under par. (a) shall include topics such as the following:

- 1. Common animal husbandry practices.
- 2. Nutrition and health basics, including body conditioning scoring.
- 3. Facilities and biosecurity.
- 4. Animal behavior, personal and animal safety, and animal handling and related equipment.

(5) LEGAL AND INVESTIGATIVE TRAINING. An initial training program shall include at least 24 hours of legal and investigative training, including all the following:

- (a) Training related to the legal system, the role of the animal cruelty investigator, Wisconsin laws related to animals, and other applicable laws.
- (b) Training related to the rules of evidence, and the collection and preservation of evidence.
- (c) Training related to interview and interrogation techniques, investigative stages and courtroom testimony.
- (d) Training related to search and seizure, and photographing, videotaping, or sketching the investigation scene.
- (e) Training related to report writing.
- (f) Training related to crisis intervention, humane officer safety, and civil liability.

(6) TRAINING PROGRAMS; APPROVAL. (a) The department may approve an initial training program at the request of the program sponsor. The sponsor shall submit the request in writing and shall include all the following:

- 1. A detailed program outline showing the topics covered, the number of hours devoted to each topic, and the content of each topic.
- 2. The identity and credentials of the program instructors.
- 3. The training locations, including the location of any on-site farm training.
- 4. A copy of the certificate the sponsor will present to persons who successfully complete the course, and the name of each person authorized to sign the certificate on behalf of the sponsor.

(b) The department shall approve or disapprove an initial training program within 30 days after it receives all of the information under par. (a). The department shall disapprove a training program that fails to comply with applicable requirements under this section.

History: Cr. Register, November, 1999, No. 527, eff. 12-1-99; CR 11-048: am. (4) (a) 1. to 3., (5) (a) to (f) Register July 2012 No. 679, eff. 8-1-12.

ATCP 15.08 Initial examination. (1) EXAM REQUIRED. The department may not certify any person as a humane officer unless that person passes an examination administered by the department. No examination is required for the timely renewal of an expired certification that is submitted within the biennium after the certification's expiration.

(2) APPLYING TO TAKE EXAM. A person may apply to the department to take an examination under sub. (1). The person shall apply on a form provided by the department and shall include all the following:

- (a) The person's name, address and telephone number.
- (b) A \$25 nonrefundable examination fee.
- (c) The dates, if any, on which the person has previously taken the examination.
- (d) Documentation required under sub. (3).

Note: You may obtain an exam application form from the department at the following address:

Wisconsin Department of Agriculture, Trade and Consumer Protection, Animal Health Division, P. O. Box 8911, Madison, WI 53708-8911, Phone (608) 224-4872

(3) EXAM ELIGIBILITY. A person applying to take an examination under sub. (2) shall document in writing one of the following:

(a) That the person has completed the initial training required under s. ATCP 15.06 (1). The person shall include the title and sponsor of the initial training program, and the dates on which the person attended the initial training program.

(b) That the person qualifies for the training exemption under s. ATCP 15.06 (2).

(4) EXAM CONTENTS. An examination under sub. (1) shall test knowledge in all the following areas:

- (a) Animal husbandry and care practices.
- (b) Applicable laws and investigative procedures.

(5) PASSING SCORE. To pass an examination under sub. (1), a person shall achieve a passing score on each exam portion identified in sub. (4).

(6) RETAKING EXAMINATION. (a) A person initially exempt from training under s. ATCP 15.06 (2) may not retake an examination under sub. (1) unless that person first completes the initial training program under s. ATCP 15.06.

(b) A person who twice fails an examination under sub. (1) may not retake the examination unless the person first retakes the training under s. ATCP 15.06.

(c) A person who applies to renew certification more than 2 years after the certification has expired shall do both of the following:

- 1. Complete the training under s. ATCP 15.06.

2. Pass the examination under sub. (1).

Note: A person who applies pursuant to the requirements of par. (c) is not subject to the late fee under s. ATCP 15.04 (2) (e).

History: Cr. Register, November, 1999, No. 527, eff. 12-1-99; CR 11-048: am. (1), (2) (b), (6) (b), cr. (6) (c) Register July 2012 No. 679, eff. 8-1-12.

ATCP 15.10 Humane officer appointment or termination; report. A political subdivision shall notify the department in writing whenever the political subdivision appoints or terminates a humane officer. The political subdivision shall

give the notice within 30 days after the appointment or termination occurs. The notice shall include all the following:

- (1) The identity of the political subdivision.
- (2) The name and address of the humane officer.
- (3) The humane officer's certification number if the humane officer is currently certified under this chapter.
- (4) The date of the appointment or termination.

History: Cr. Register, November, 1999, No. 527, eff. 12-1-99.